

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

October 8, 2014

The meeting was called to order at 4:05 p.m. by Chairman Phil Conder at 3600 Constitution Blvd., West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Brent Fuller, Jack Matheson, Terri Mills, Phil Conder, Barbara Thomas, Clover Meaders, and Latai Tupou

ABSENT

Harold Woodruff

WEST VALLEY CITY PLANNING DIVISION STAFF

Steve Pastorik, Lee Logston, Kevin Despain, Jody Knapp, and Nichole Camac

AUDIENCE

Approximately four (4) people were in the audience

GENERAL PLAN CHANGE APPLICATION

GP-1-2014

West Valley City

General Plan Amendment

Appendix B: 2014 Moderate Income Housing Plan

BACKGROUND:

Utah municipalities are required by State law to perform a biennial review of the moderate income housing element of their General Plans. The 2014 Moderate Income Housing Plan is required to provide:

1. An estimate of the existing supply of moderate income housing within West Valley City
2. An estimate of the need for moderate income housing for the next five years
3. A survey of total residential land use
4. An evaluation of how existing land uses and zoning affect the opportunity for moderate income housing
5. A description of West Valley City's program to encourage an adequate supply of moderate income housing

In addition, the Moderate Income Housing Plan includes a section on West Valley City demographics and population trends.

SUMMARY:

Our analysis uses both 2012 American Community Survey data and 2010 Census data. As 2012 is the most recent ACS data available, 2012 housing, rent, and income data is adjusted by various local growth or decline factors to provide approximate 2014 figures.

The 2014 adjusted median household income for Salt Lake County is calculated to be \$59,613. Moderate income housing is defined as that which is affordable to those making 80% of the County median household income, or \$47,690. As up to 30% of a household's monthly income can be used for housing, this means a moderate income household could have \$1,192 per month for housing.

Based on a survey of current and planned land use and zoning, it was determined that for 2014, West Valley City has 19,883 housing units (53.7% of total West Valley City units) that would be considered affordable to moderate income households, well in excess of the calculated need of 14,667. This surplus, plus the fact that over half of the City's housing units are considered affordable, will more than adequately meet our needs for the next five years.

Applicant:

West Valley City

Discussion: Lee Logston presented the application. Barbara Thomas stated that there are many cities that don't update this plan as frequently as they should. She indicated that West Valley City does its part in providing adequate moderate income housing.

Motion: Commissioner Thomas moved for approval.

Commissioner Meaders seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Tupou	Yes
Chairman Conder	Yes

Unanimous-GP-1-2014 Approved

ZONE TEXT CHANGE APPLICATIONS

ZT-5-2014

West Valley City

Adding Section 7-2-133 for Car Title Loan businesses regulations

As requested by the Planning Commission, City staff proposes a zoning ordinance amendment to establish separation requirements for Car Title Loan businesses as Section 7-2-133. Car Title Loans are defined as taking possession of an automobile title in exchange for consideration or extending a loan. This definition does not include a federal- or state-chartered bank or credit union. In the past couple of years, the number of these types of businesses have essentially doubled. Many are clustered along high image corridors of the city.

It has been shown in studies nationwide that consumer lending type businesses where money is easily acquired with limited credit checks such as payday lending, check cashing, and car title loan have adverse secondary effects on surrounding neighborhoods. These businesses also negatively impact commercial areas particularly when clustered.

The City has already passed regulations for checking cashing, payday lending businesses, and pawnshops. Several municipalities across the country have passed regulations regarding the location and separation of these types of businesses.

The purpose of these regulations is to minimize the negative impacts of Car Title Loan businesses on surrounding residential and commercial areas. A study of the current distribution of Car Title Loan businesses shows that many are adjacent to residential and clustered along stretches of major arterials. The spacing of 500' from residential uses will mitigate negative effects on neighboring homes. The spacing of 600' from other Car Title Loan businesses will prevent clustering.

Included with this report are three maps showing where Car Title Loan businesses currently are allowed, areas eliminated based on the proposed regulations, and where Car Title Loan businesses would ultimately be allowed.

Staff Alternatives

1. Approval of the application to add Section 7-2-133.
2. Continuance for reasons determined during the public hearing.
3. Denial, the ordinance should remain unchanged.

7-2-133. CAR TITLE LOAN BUSINESS REGULATIONS.

Regardless of the zoning district in which it is located, a car title loan business shall be subject to the following distance restrictions:

- (1) No car title loan business shall be located within 500 feet of any residential zone or use.
- (2) No car title loan business shall be located within 600 feet of any other car title loan business.

Applicant:

West Valley City

Discussion: Kevin Despain presented the application. Phil Conder asked if the map that shows existing businesses was created using current business licenses. Kevin replied yes. Chairman Conder asked if someone could purchase space in an existing title loan business and operate separately. Brandon replied no and stated if they operate separately they would be required to have their own business license. Chairman Conder asked if someone would be able to open a companion business in a different location within 600 feet but had the same name and same owner. Brandon replied that this would not be allowed because the owner would need a separate business license. Kevin stated that if one of the current businesses closes someone will still have one year to fill the vacant spot. Brandon added that if the business is non-conforming someone can fill the vacancy but once the year passes it would be considered abandoned and a car title loan business would not be allowed at the location any longer. Jack Matheson stated that there are three major locations that car title loan businesses will still be allowed in that he is not comfortable with including Valley Fair Mall, Target shopping center, and the Walmart shopping center on 6200 S. Clover Meaders stated that only one car title loan business would be allowed at these locations and the ordinance will still deter any clustering which is where the issue with these businesses lie.

Motion: Commissioner Mills moved for approval.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commission Tupou	Yes
Chairman Conder	Yes

Unanimous-ZT-5-2014 Approved

CONDITIONAL USE APPLICATIONS

C-56-2014

**T-Mobile (Rocky Schutjer)
4400 West 4100 South**

A Zone (4.37 Acres)

T-Mobile is requesting a conditional use for the construction of a sixty-foot monopole tower at the Winder Farms property at 4400 West 4100 South. This property is zoned agricultural (A) and all non-stealth monopole wireless communication facilities must be reviewed as a conditional use in this zone. The West Valley City General Plan designates this area as low density residential. The surrounding zone is A on all sides. The surrounding use is the Winder Farm property and the Valley View Memorial Cemetery.

The applicant, Mr. Schutjer representing T-Mobile, is requesting to locate a monopole cell tower adjacent to the old Winder Dairy Store in the northeast corner of the parking lot in a secured area that is 40' x 25' wide. The proposed pole will be 60-feet tall and the cables will run internally within the pole. The antennas will be flush mounted and no more than 12-inches from the pole so the overall width of the structure will be less than 24-inches. Therefore, the monopole meets all requirements set forth in Chapter 7-23 of the West Valley City Municipal Code regarding maximum height, diameter, flush mounted antennas and the cable location.

The ordinance also states that monopoles that are not stealth must maintain a one-half mile radius separation from each other, or 2,640 feet. In this case our records indicate that the closest existing monopole is approximately 3,800 feet away. Monopoles are also required to be at least 200-feet from any residential zone boundary and this site is approximately 420' from the closest residential zone.

Staff Alternatives:

Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:

1. The Wireless Communication Facility shall be constructed in compliance with the standards set forth in the West Valley City Municipal Code.
2. Must comply with all other relevant requirements set forth from applicable department and agencies.

Continuance, to allow for the resolution of any issues raised at the public hearing.

Applicant:

Rocky Shutjer
121 W Election Drive

Neutral:

Fred Cox
4266 Early Duke

Discussion: Jody Knapp presented the application. Terri Mills asked what the fencing material is. Jody replied 6 foot chain-link. Commissioner Mills asked what type of noise is generated by the generator. Jody replied that she believes the generator is used only as a backup but the applicant can clarify this. Jack Matheson clarified that the cell tower would still be allowed at this location if the convenience store were still open. Jody replied yes.

Rocky Shutjer, the applicant, stated that this site has been looked at for years and the property owner is happy with the location of the monopole. He indicated that the generator is there for back-up and added that it cycles once a week. He stated that this will have a little noise associated with it but it would only be for about 10 minutes once a week. Barbara Thomas asked what purpose the fence serves. Mr. Shutjer replied that all facilities have restricted access and locks. Jody added that this is required in the ordinance as well. Commissioner Mills asked what will happen when the property to

the north and east eventually develops and expressed concern that these may eventually be residential homes. She added that the cemetery is a quiet place and she is concerned noise from the generator will disrupt this. Jody replied that the City can't speculate about what may happen in the future and has to go with the zoning in place now. She stated that if a subdivision were ever built there would likely be a perimeter fence installed around it that would help eliminate sound concerns. Brent Fuller asked if the time can be adjusted for the cycling of the generator. Mr. Shutjer replied that he believes it can be. Mr. Shutejr stated that the fencing will match what is currently in the area which is chain-link.

Fred Cox, a resident, stated that generators can be loud and he would suggest not running them at night. He added that it would be great to have a Verizon monopole in this area as well.

Jack Matheson asked if this pole will allow for co-location. Mr. Shutjer replied the pole would accommodate for co-location but the City code makes it difficult. He indicated this is something they would like to keep as an option though.

Commissioner Mills stated that she is concerned about the generator and how it will impact neighbors. She stated that she would like more information on how loud it can get and how often it can go off. Phil Conder stated that the neighbor is the property owner and he signed off on the monopole so he is likely comfortable with it. Jody stated that this is a loud site already with lots of trucks, etc.

Motion: Commissioner Fuller moved for approval subject to the two staff conditions and adding condition #3 to state: Subject to review upon valid sound complaints resulting from the generator.

Commissioner Thomas seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commission Tupou	Yes
Chairman Conder	Yes

Unanimous-C-56-2014 Approved

C-57-2014

Community Auto Sales (Jose Rodriquez)

2990 West 3500 South

C-2 Zone (.24 Acres)

The applicant, Jose Rodriquez representing Community Auto Sales, is requesting an extension on a conditional use permit. The zoning for this area is C-2, General Commercial. The West Valley City General Plan designation is Fairbourne Station for this area. The surrounding zone is R-1-6 (single family residential) to the north with C-2, (General Commercial) on all remaining sides. The surrounding uses include a law office to the east, a restaurant to the west and single family residential to the north.

Community Auto Sales originally received conditional use approval for auto sales in 2006 (C-29-06). The conditions of approval for this use included completion of the landscaping along the frontage in

accordance with the Standards for Landscaping Along High Image Arterials. These improvements were postponed due to the widening of 3500 South as part of a delay agreement (resolution #07-209). However, the landscaping was not completed originally because the tenant left the site in 2010. The site remained vacant until the tenant reapplied to occupy the space on March 26, 2014 (C-9-14). The conditions of approval for that use stated that the applicant had 6 months to complete the original landscaping requirements.

Since that time Mr. Rodriguez has been working on the required drawings and has contacted UDOT regarding the proposal. UDOT has indicated that they will require the western most access on 3500 South to be closed. Therefore, the existing curb cut would need to be removed and the sidewalk, parkstrip and street tree areas would need to be improved per 7-13-300 of the West Valley City Municipal Code. The 20' landscaped buffer would then extend further to the west along the frontage of this property.

Mr. Rodriguez has not formally submitted an application to UDOT, however, he has indicated that he would like to appeal the closure requirement. Therefore, he is requesting this extension to the conditional use application to allow him more time to work through the UDOT process. Mr. Rodriguez has also indicated that this process has also been very difficult for him financially so he is also requesting that the business license be approved before the requirements are complete so he can begin to operate the business and generate additional income to pay for the required improvements.

UDOT has indicated that if the access is closed and the area is landscaped prior to the business opening that they would then give Mr. Rodriguez one year to complete the remaining improvements. Staff is supportive of this recommendation.

A copy of the applicant's extension request letter, UDOT's response to their request, and the previous staff report have been provided for further information if necessary.

Staff Alternatives:

Approval, to amend condition 4 of C-57-14, subject to the resolution of any concerns raised at the public hearing, as well as the following conditions:

- 1a. Landscaping along the frontage shall be completed in accordance with the Standards for Landscaping Along High Image Arterials. This shall be completed prior to the issuance of a business license.
- 1b. Landscaping along the frontage shall be completed in accordance with the Standards for Landscaping Along High Image Arterials. This shall be completed within 8 months of the issuance of a business license.
2. If UDOT requires closure of the western entrance then the curb cut removal, additional landscaping in the setback area and the additional improvements per 7-13-300 must be completed within one year of the issuance of a business license.

Continuance, to allow for the resolutions of any issues raised at the public hearing or to give the applicant time to submit an amended construction time line.

Denial, adequate time was allocated for these improvements and the license cannot be issued until all of the conditions of approval are satisfied.

Applicant:

Fred Cox
4466 Early Duke Street

Discussion: Jody Knapp presented the application. Fred Cox stated that the property owner is trying to prevent the closure of an access by UDOT. Barbara Thomas asked if it is typical to require landscaping prior to the issuance of a business license. Jody replied yes and indicated that all conditions must be met before a business license is issued typically. She stated that this is a difficult time of year to do landscaping though and exceptions have been given.

Motion: Commissioner Meaders moved for approval subject to conditions 1B and 2 listed in the staff report.

Commissioner Tupou seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Matheson	Yes
Commissioner Meaders	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Tupou	Yes
Chairman Conder	Yes

Unanimous-C-57-2014 Approved

PLANNING COMMISSION BUSINESS

Approval of Minutes from September 24, 2014 (Regular Meeting) **Approved**

Approval of Minutes from October 1, 2014 (Study Session) **Approved**

There being no further business, the meeting adjourned at 4:45 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant